

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CURTIS ADAMS, ET AL.,

Plaintiffs,

v.

Case No.: RDB 14-2793

JUSTIN AITA, ET AL.,

Defendants.

* * * * *

ANSWER AND DEMAND FOR TRIAL BY JURY

Justin Aita, in his personal and official capacities, and the City of Salisbury, Maryland, Defendants, by their undersigned counsel, pursuant to Rules 7 and 8 of the Federal Rules of Civil Procedure, hereby answer the Complaint, as amended (ECF 12), filed against them, and say:

I.
(General Denial)

The Complaint, as amended, fails to state any claim against Defendants upon which relief can be granted.

II.
(Specific admissions or denials of Plaintiffs' averments)

1. Defendants deny the allegations in paragraph 1 of the Complaint, as amended.
2. Paragraph 2 of the Complaint, as amended, does not contain any allegations of fact which Defendants are required either to admit or to deny. However, to the extent paragraph 2 of the Complaint, as amended, is construed as alleging any such facts, they are denied.
3. Defendants admit the jurisdictional allegations in paragraph 3 of the Complaint, as amended, that Officer Aita resides and the City of Salisbury is located within the jurisdictional

boundaries of this Court. As to the remainder of the allegations, Defendants are without knowledge or information sufficient to form a belief as to whether the Plaintiffs reside within the jurisdictional boundaries of this Court.

4. Paragraph 4 of the Complaint, as amended, does not contain any allegations of fact which Defendants are required either to admit or to deny. However, to the extent paragraph 4 of the Complaint, as amended, is construed as alleging any such facts, they are denied.

5. Defendants are without knowledge or information sufficient to form a belief as to the allegation concerning Plaintiff Curtis Adams' current residency status.

6. Defendants are without knowledge or information sufficient to form a belief as to the allegation concerning Plaintiff Travis Guthrie's current residency status.

7. Defendants are without knowledge or information sufficient to form a belief as to the allegation concerning Plaintiff Abdi Geleta's current residency status.

8. Defendants are without knowledge or information sufficient to form a belief as to the allegation concerning Plaintiff Erick Kluge's current residency status.

9. Defendants admit that Officer Aita resides in Wicomico County and that, at all relevant times, acted under color of law and within the scope of his employment as an officer of the Salisbury Police Department. Defendants further admit that the City of Salisbury is a public entity established under the laws of Maryland to be sued in its own name. Defendants deny the allegation that the conduct of Officer Aita and the City of Salisbury stands in violation of the Fourth and Fourteenth Amendments of the Constitution, as well as clearly established law.

10. Defendants admit the allegations in paragraph 10 of the Complaint, as amended.

11. Defendants deny the allegations in paragraph 11 of the Complaint, as amended.

12. Defendants deny the allegations in paragraph 12 of the Complaint, as amended.
13. Defendants deny the allegations in paragraph 13 of the Complaint, as amended.
14. Defendants deny the allegations in paragraph 14 of the Complaint, as amended.
15. Defendants deny the allegations in paragraph 15 of the Complaint, as amended.
16. Defendants deny the allegations in paragraph 16 of the Complaint, as amended.
17. Defendants deny the allegations in paragraph 17 of the Complaint, as amended.
18. Defendants deny the allegations in paragraph 18 of the Complaint, as amended.
19. Defendants deny the allegations in paragraph 19 of the Complaint, as amended.
20. Defendants deny the allegations in paragraph 20 of the Complaint, as amended.
21. Defendants hereby incorporate by reference and reaffirm and reallege their

responses to the allegations set forth in paragraphs 1 through 20 of the Complaint, as amended.

22. Defendants deny the allegations in paragraph 22 of the Complaint, as amended.
23. Defendants deny the allegations in paragraph 23 of the Complaint, as amended.
24. Defendants deny the allegations in paragraph 24 of the Complaint, as amended.
25. Defendants deny the allegations in paragraph 25 of the Complaint, as amended.
26. Defendants deny the allegations in paragraph 26 of the Complaint, as amended.
27. Defendants deny the allegations in paragraph 27 of the Complaint, as amended.
28. Defendants hereby incorporate by reference and reaffirm and reallege their

responses to the allegations set forth in paragraphs 1 through 27 of the Complaint, as amended.

29. Defendants deny the allegations in paragraph 29 of the Complaint, as amended.
30. Defendants deny the allegations in paragraph 30 of the Complaint, as amended.
31. Defendants deny the allegations in paragraph 31 of the Complaint, as amended.

32. Defendants hereby incorporate by reference and reaffirm and reallege their responses to the allegations set forth in paragraphs 1 through 31 of the Complaint, as amended.

33. Defendants deny the allegations in paragraph 33 of the Complaint, as amended.

34. Defendants deny the allegations in paragraph 34 of the Complaint, as amended.

35. Defendants hereby incorporate by reference and reaffirm and reallege their responses to the allegations set forth in paragraphs 1 through 34 of the Complaint, as amended.

36. Defendants deny the allegations in paragraph 36 of the Complaint, as amended.

37. Defendants deny the allegations in paragraph 37 of the Complaint, as amended.

38. Defendants deny the allegations in paragraph 38 of the Complaint, as amended.

39. Defendants deny the allegations in paragraph 39 of the Complaint, as amended.

III.

(Defenses)

1. Officer Aita's alleged acts and/or omissions were legally justified and privileged.

2. Officer Aita's alleged acts and/or omissions were reasonable.

3. Defendants' alleged acts and/or omissions did not violate Plaintiffs' Fourth and/or Fourteenth Amendment Rights.

4. Officer Aita is entitled to qualified immunity.

5. Officer Aita did not act with reckless or callous disregard of any person's constitutional rights.

6. The City does not have a custom, practice of policy of allowing officers to violate individual's constitutional rights.

/s/
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Attorneys for Defendants

DEMAND FOR TRIAL BY JURY

Defendants hereby elect a trial by jury of all issues triable of right by a jury.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September, 2015, a copy of the foregoing Answer and Demand for Trial by Jury was electronically filed, with notice to: Luke A. Rommel, Otway, Russo, & Rommel, P.C., P.O. Box 4096, Salisbury, Maryland 21803.

/s/
Matthew D. Peter